

BOARD OF BEHAVIORAL SCIENCES

FINAL STATEMENT OF REASONS

ADDENDUM

Hearing Date: July 26, 2001

Section Affected: Section 1888

Due to further clarification needed to determine necessity, the following information is provided:

The addition of the violation category of "Failure to Keep Records Consistent with Sound Clinical Judgment" minimum and maximum terms of probation were added because these terms are similar in nature to other existing comparable violations, such as "Breach of Confidentiality".

The addition of the category "Law and Ethics Course" to the Standard Probation Conditions was identified by the Board as a necessary condition because a licensee is placed on probation for legal and ethical violations and the Board expects that a probationer will benefit from an update of the current information.

The addition of the category "Maintain Valid License" to the Standard Probation Conditions was identified by the Board as a necessary condition because the Board must maintain jurisdiction and, if a licensee were to allow their license to become cancelled, the Board would no longer have the necessary jurisdiction. Also, most licensees continue to practice while on probation and the Board wants to ensure that a licensee keeps their license current and valid during their probation period.

The addition of the category "License Surrender" to the Standard Probation Conditions was identified by the Board as a necessary condition because current regulation does not allow a probationer to surrender their license. The probationer must actually violate their probation in order to begin the surrender of license process. Once the probationer has violated their probation, the Board must begin a lengthy, costly process in order to revoke the license. This addition will allow a licensee who chooses to surrender their license instead of complying with probationary terms and conditions the opportunity to do so and the Board will see a cost savings since they will no longer have to initiate the revocation process on these cases.

The addition of the category "Instruction of Coursework Qualifying for Continuing Education" to the Standard Probation Conditions was deemed necessary by the Board because current California Code of Regulations Section 1887.10 indicates that a Continuing Education Instructor must have at least two of the identified qualifications.

The Board felt that a licensee may qualify under two qualifications that did not include their

license and they did not feel it was appropriate for a licensee on probation to teach coursework that qualified for required continuing education.

The addition of the category “ Notification to Referral Services” to the Standard Probation Conditions was deemed necessary by the Board because current California Code of Regulations Section 1889.3 indicates that referrals services shall only make referrals to those who hold a current, valid license and if referrals are made to probationers, the referrals shall be made in accordance with the terms of probation set by the Board. A referral service may be liable if they were to provide a referral to a licensee who was on probation and the Board felt that these referral services should be notified of probation as soon as it occurs and potential referrals services should also be made of aware of the probation.

The Board has not published the Disciplinary Guidelines in the California Code of Regulations (CCR) before and will continue to utilize the “incorporate by reference” method, as it would be impractical and cumbersome to publish. The guidelines are 28 pages and there is no need to clutter up the CCR. The Disciplinary Guidelines have been printed in a convenience and helpful booklet and any person who wishes to obtain a copy may do so by contacting the Board or downloading the document off the Board’s website.